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37/16. Right to work

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling all international human rights instruments relevant to the right to work, including the International Covenant on Economic, Social and Cultural Rights, and the 2030 Agenda for Sustainable Development,

Reaffirming also previous Human Rights Council resolutions on the right to work, the most recent being resolution 34/14 of 24 March 2017,

Recalling General Assembly resolution 63/199 of 19 December 2008, entitled "International Labour Organization Declaration on Social Justice for a Fair Globalization", and Economic and Social Council resolutions 2007/2 of 17 July 2007, on the role of the United Nations system in providing full and productive employment and decent work for all, and 2008/18 of 24 July 2008, on promoting full employment and decent work for all,

Recalling also the International Labour Organization Declaration on Fundamental Principles and Rights at Work and the follow-up thereto, adopted by the International Labour Conference at its eighty-sixth session, on 18 June 1998, the Declaration on Social Justice for a Fair Globalization, adopted by the Conference at its ninety-seventh session, on 10 June 2008, and the Global Jobs Pact, adopted by the Conference at its ninety-eighth session, on 19 June 2009,

Recognizing the primary role, mandate, expertise and specialization of the International Labour Organization within the United Nations system in relation to the promotion of decent work and full and productive employment for all, and recalling its initiatives and activities in that regard, including the Decent Work Agenda, and the centenary initiatives of the Organization,

Acknowledging the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in relation to the right to work,

Acknowledging also the work of United Nations agencies, funds and programmes, in particular the International Labour Organization, in supporting the efforts of States to promote inclusive, sustained economic growth, full and productive employment and decent work for all and the full realization of the right to work, and recognizing the important

contributions made by the United Nations Entity for Gender Equality and the Empowerment of Women in relation to the realization of the right to work for women,

Reaffirming that all human rights, civil, cultural, economic, political and social rights, including the right to development, are universal, indivisible, interdependent, interrelated and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Emphasizing that States should undertake to guarantee that the right to work is to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status,

Emphasizing also that the right to work is not only essential for realizing other human rights but also an inseparable and inherent part of human dignity, and is important in ensuring the satisfaction of human needs and values that are central to a dignified life,

Recognizing that full and productive employment and decent work for all are key elements of poverty-reduction strategies that facilitate the achievement of the internationally agreed development goals, in particular the 2030 Agenda for Sustainable Development, and that they require a multidimensional focus that incorporates Governments, representatives of employers and workers, the private sector, national human rights institutions, civil society organizations and international organizations, in particular the agencies of the United Nations system and international financial institutions,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the relationship between the realization of the right to work and the implementation of relevant targets of the Sustainable Development Goals;[1]

2. *Reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right to work, which includes the right of everyone to the opportunity to gain his or her living by work that he or she freely chooses or accepts, and that States should take appropriate steps to progressively achieve the full realization of that right, including technical and vocational guidance and training programmes, policies and techniques, to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding the fundamental political and economic freedoms of the individual;

3. *Also reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right of everyone to the enjoyment of just and favourable conditions of work that ensure, in particular, remuneration that provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; a decent living for themselves and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted in his or her employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; and rest, leisure and reasonable limitation of working hours and periodic holidays with pay, and remuneration for public holidays;

4. *Further reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to work by all appropriate means, including in particular the adoption of legislative measures;

5. *Recognizes* that ensuring equality and non-discrimination in access to work is crucial in addressing the social prejudices and disadvantages that might exist in the labour market;

6. *Stresses* that the freedom to work, which is included in the right to work, entails the right to pursue professional options under equal conditions, especially for those

[1] A/HRC/37/32.

whose freedom is frequently compromised by discriminatory legal provisions or forced labour, in particular women and persons with disabilities;

7. *Also stresses* that States, as provided for by the relevant international legal instruments, should prohibit forced and compulsory labour and punish perpetrators for its use in all its forms;

8. *Emphasizes* that the right to work entails, inter alia, the right not to be deprived of work arbitrarily and unfairly, and that States, in accordance with the relevant obligations in relation to the right to work, are required to put in place appropriate measures ensuring the protection of workers against unlawful dismissal;

9. *Underscores* the equal right of men and women to the enjoyment of all human rights, including the right to work, and that equal access to work is pivotal to the full enjoyment of all human rights by women, while recognizing that women are on many occasions subject to discrimination in the context of realizing their rights in that regard on an equal basis with men and are disproportionately exposed to the most precarious working conditions, including work in the informal economy, limited or no legal protection, lower levels of representation in leadership and decision-making positions, lower levels of remuneration and involuntary temporary and part-time employment, and are disproportionately burdened with unpaid care and domestic work within the household and the family, which may constitute on many occasions a barrier to women's greater involvement in the labour market;

10. *Recognizes* that progress has been made, yet is deeply concerned that many persons with disabilities continue to face multiple and intersecting forms of inequality and discrimination, including the lack of reasonable accommodation, which represent significant obstacles in exercising their right to work on an equal basis with others, and that they are frequently subject to less favourable conditions of pay, precarious, often informal working conditions and poor career prospects in a context of environmental, social and economic barriers in their access to work and within work, and in education and training, which results on many occasions in neglect of their potential and restrictions on opportunities to earn a living through their capabilities;

11. *Underscores* the responsibility of the State to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development, and to take additional measures to prevent the engagement of children in the worst form of child labour;

12. *Expresses concern* that, according to the report of the International Labour Organization *World Employment Social Outlook: Trends 2018*, many countries continue to report high rates of labour underutilization, with large shares of discouraged workers and growing incidence of involuntary part-time employment, affecting in large part young people;

13. *Notes with concern* that, according to the report of the International Labour Organization *Global Employment Trends for Youth 2017*, although there has been a modest economic recovery, youth unemployment remains high and employment quality a concern, and young people are three times as likely as adults to be unemployed, which constitutes a serious global problem;

14. *Expresses deep concern* that inequalities are widening and there are not enough jobs, including quality jobs, and emphasizes that full and productive employment and decent work for young people play an important role in their empowerment and can contribute to, inter alia, the prevention of extremism, terrorism and social, economic and political instability, thus contributing to sustainable development and peace;

15. *Stresses* the fundamental importance of equal opportunities, education, technical and vocational training, and that lifelong learning opportunities and guidance for all, including for women, young people and persons with disabilities, are necessary for the realization of the right to work;

16. *Encourages* States to effectively implement the 2030 Agenda for Sustainable Development, including its Goal 8 on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, and its targets;

17. *Underscores* that, in considering the relationship between the realization of the right to work and the implementation of the relevant Sustainable Development Goals and targets, it is important to recognize that the Goals and targets are universal and interlinked and that their achievement, in accordance with international human rights law and consistent with the commitment that no one is left behind, can therefore contribute to the realization of the right to work for all;

18. *Stresses* that all States committed, in the 2030 Agenda, to leaving no one behind and to reaching the furthest behind first, and, in order to promote the achievement of that principle, States are encouraged to create conditions for sustainable, inclusive and sustained economic growth and decent work for all and to promote the employment of young people and women's economic empowerment;

19. *Also stresses* that the Sustainable Development Goals and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development promote inclusive and sustained economic growth, higher levels of productivity and technological innovation, and encourage entrepreneurship and job creation, which can be effective measures to eradicate extreme poverty and hunger, forced labour, contemporary forms of slavery and human trafficking, and that to ensure that no one is left behind, bearing these targets in mind, the goal is to achieve full and productive employment and decent work for all women and men by 2030;

20. *Recognizes* that employment should be a central objective of economic and social policies at the national, regional and international levels for the sustainable eradication of poverty and for providing an adequate standard of living, and emphasizes in that regard the importance of relevant and inclusive social protection measures, including social protection floors;

21. *Also recognizes* the fundamental importance of international cooperation, including through technical cooperation, capacity-building and the exchange of relevant lessons learned and good practices, in advancing efforts towards the full realization of the right to work through inclusive, sustainable economic growth, full and productive employment and decent work for all;

22. *Calls upon* States to put in place cohesive and comprehensive policies and to take the legislative and administrative measures necessary for the full realization of the right to work for all, including women by, inter alia, considering to undertake policy commitments and measures to obtain full and productive employment and decent work for all, including through the establishment, where appropriate, of institutions for that purpose and by further strengthening tools, such as job services and social dialogue mechanisms, while paying continuous attention to professional and technical training and initiatives to foster small and medium-sized enterprises, cooperatives and start-ups, including those that are owned by women, and considering investing in infrastructure, services and social protection systems to allow for and to promote equitable sharing of care responsibilities between men and women;

23. *Highlights* the vital role of the private sector in generating new investments, job opportunities and financing for development and in advancing efforts towards the full realization of the right to work and the promotion of inclusive, sustained economic growth, full and productive employment and decent work for all, noting the multi-year strategy of the United Nations Global Compact to drive business awareness and action in support of achieving the Sustainable Development Goals and Addis Ababa Action Agenda by 2030, and noting the need to promote the implementation of the Guiding Principles on Business and Human Rights and the Women's Empowerment Principles established by the United Nations Entity for Gender Equality and the Empowerment of Women, as applicable;

24. *Recognizes* the important contribution of workers' and employers' organizations in the area of full and productive employment and decent work for all, and the importance of promoting equitable representation, participation and leadership in such organizations;

25. *Underscores* that there is an urgent need to create an environment at the national and international levels that is conducive to the attainment of full and productive employment and decent work for all as a foundation for sustainable development, and that an environment that supports investment, growth and entrepreneurship is essential to the

creation of new job opportunities for women and men, and reaffirms that opportunities for all to obtain productive work in conditions of freedom, equity, security and human dignity are essential to ensure the eradication of hunger and poverty, the realization of equality between women and men, the improvement of economic and social well-being for all, the achievement of sustained, inclusive and sustainable economic growth and sustainable development;

26. *Calls upon* States to continue their efforts to prevent and combat all forms of discrimination and violence, including sexual harassment at the workplace, including by adopting and implementing laws and policies and through training, awareness-raising and support for women's access to justice with respect to violence and sexual harassment, bearing in mind that these continue to be among the factors that have an adverse impact on the realization of the right to work for women;

27. *Encourages* States to take all appropriate measures to prohibit discrimination in all matters concerning access to employment and job opportunities, including in relation to equal conditions of pay, hiring and career advancement, and to pay particular attention to women facing multiple intersecting forms of inequality and discrimination;

28. *Requests* the United Nations High Commissioner for Human Rights to prepare an analytical report, in consultation with States, relevant United Nations agencies, funds and programmes, particularly the International Labour Organization, and the treaty bodies, the special procedures, civil society, national human rights institutions and other stakeholders, on the relationship between the realization of the right to work and the enjoyment of all human rights by young people, with an emphasis on their empowerment, in accordance with States' respective obligations under international human rights law, to indicate the major challenges and best practices in that regard, and to submit the report to the Human Rights Council prior to its fortieth session;

29. *Decides* to remain seized of the matter.

53rd meeting
22 March 2018

[Adopted without a vote.]